



General Assembly

**Substitute Bill No. 309**

February Session, 2012

\* \_\_\_\_SB00309JUD\_\_032712\_\_ \*

**AN ACT CONCERNING PROBATE COURT OPERATIONS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 45a-34 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 The following words and phrases as used in sections 45a-34 to 45a-  
4 54, inclusive, as amended by this act, and section 45a-75 except as  
5 otherwise provided, shall have the following meanings:

6 (1) "Average final compensation" means, (A) in the case of a judge of  
7 probate, the average annual compensation for the three highest paid  
8 years of service while serving in the probate court to which the judge  
9 was elected or by citation to any other court or courts, including any  
10 compensation received for service (i) on or after June 1, 2004, as an  
11 administrative judge for a regional children's probate court under  
12 section 45a-8a, as amended by this act, or (ii) on or after July 1, 2007, as  
13 a special assignment probate judge under section 45a-79b, as amended  
14 by this act, provided, for the purposes of this section, the  
15 compensation for any one year shall not exceed the maximum net  
16 annual income currently allowed by law, and, (B) in the case of an  
17 employee, the average annual rate of pay during the employee's three  
18 highest paid years of employment;

19 (2) "Credited service" means (A) all periods during which a person

20 held the office of judge of probate and (i) any period of service elected  
21 by a judge pursuant to section 45a-36a, and (ii) any period of service as  
22 an administrative judge for a regional children's probate court after  
23 such judge ceases to serve as a probate judge, provided such  
24 administrative judge works as an administrative judge at least one  
25 thousand hours per year, or (B) [any period] all periods during which  
26 a person served as an employee of any probate court, or (C) subject to  
27 the requirements of subsections (a) and (b) of section 45a-54, a period  
28 of not more than three years for service as a member of the General  
29 Assembly and military service, or (D) the aggregate of any periods of  
30 service provided for in subparagraphs (A), (B) and (C) of this  
31 [subsection] subdivision;

32 (3) "Employee" means (A) with respect to a person employed or  
33 who serves prior to January 1, 2011, a person employed by any probate  
34 court for more than four hundred thirty hours per year or a person  
35 who served for more than four hundred thirty hours per year  
36 performing under any contract of employment with any court of  
37 probate, and (B) with respect to a person first employed or who first  
38 serves on or after January 1, 2011, a person employed by any probate  
39 court for at least one thousand hours per year or a person who serves  
40 at least one thousand hours per year performing under any contract of  
41 employment with any court of probate;

42 (4) "Fund" means the retirement fund established by section 45a-35;

43 (5) "Judge" means a judge of probate, except that, with respect to a  
44 judge first elected for a term beginning on or after January 5, 2011,  
45 judge means a person who holds the office of judge of probate and  
46 works in such judge's capacity as a judge of probate for at least one  
47 thousand hours per year as determined pursuant to information filed  
48 by the judge of probate with the Probate Court Administrator  
49 pursuant to subsection (h) of section 5-259;

50 (6) "Member" means any judge of probate or employee who is or  
51 may become eligible for retirement benefits under sections 45a-34 to

52 45a-54, inclusive, as amended by this act, and 45a-75;

53 (7) "Normal retirement age" means the age of sixty-two for any  
54 judge of probate or any employee;

55 (8) "Old Age and Survivors System" means the system established  
56 under Title II of the Social Security Act, as amended;

57 (9) "Pay" means the salary, wages or earnings of an employee, but  
58 does not include any fees or allowances for expenses;

59 (10) "Retirement Commission" means the State Retirement  
60 Commission; and

61 (11) "Social Security Act" means the Act of Congress, approved  
62 August 14, 1935, Chapter 531, 49 Stat. 620, officially cited as the Social  
63 Security Act, including regulations issued pursuant thereto, as such act  
64 has been and may from time to time be amended.

65 Sec. 2. Subsection (a) of section 45a-45 of the general statutes is  
66 repealed and the following is substituted in lieu thereof (*Effective July*  
67 *1, 2012*):

68 (a) Each judge of probate shall contribute to the fund three and  
69 three-quarters per cent of that portion of the judge's annual  
70 compensation, including any compensation received as an  
71 administrative judge for a regional children's probate court under  
72 section 45a-8a, as amended by this act, or as a special assignment  
73 probate judge under section 45a-79b, as amended by this act, with  
74 respect to which contributions are not made to the Federal Old Age  
75 and Survivors System as provided for in sections 7-452 to 7-459,  
76 inclusive, and one per cent of that portion from which such  
77 contributions are made. The Probate Court Administrator shall deduct  
78 the judge's contributions from the judge's compensation and shall  
79 forward such contributions to the Retirement Commission to be  
80 credited to the retirement fund on the judge's account.

81 Sec. 3. Subdivision (1) of subsection (f) of section 45a-8a of the 2012  
82 supplement to the general statutes is repealed and the following is  
83 substituted in lieu thereof (*Effective July 1, 2012*):

84 (f) (1) The Probate Court Administrator, with the advice of the  
85 participating probate judges of the districts located in the designated  
86 region, shall appoint an administrative judge for each regional  
87 children's probate court. The administrative judge shall be a probate  
88 judge at the time of such appointment. If the administrative judge  
89 ceases to serve as a probate judge after such appointment, the  
90 administrative judge may continue to serve as administrative judge at  
91 the pleasure of the Probate Court Administrator, but shall not have the  
92 powers granted to an elected probate judge and shall not hear and  
93 determine children's matters before such regional children's probate  
94 court. Subject to the approval of the Chief Court Administrator, the  
95 Probate Court Administrator shall fix the compensation of the  
96 administrative judge and such compensation shall be paid from the  
97 Probate Court Administration Fund. Such compensation, together with  
98 the administrative judge's compensation as a probate judge of the  
99 district to which he or she was elected, shall not exceed the  
100 compensation provided for a judge of probate under subdivision (4) of  
101 subsection (a) of section 45a-95a. The administrative judge shall have  
102 such benefits as may inure to him or her as a probate judge and shall  
103 receive no additional benefits, except for compensation provided  
104 under this section and retirement benefits calculated in accordance  
105 with sections 45a-34 to 45a-54, inclusive, as amended by this act.

106 Sec. 4. Subsection (b) of section 45a-79b of the general statutes is  
107 repealed and the following is substituted in lieu thereof (*Effective July*  
108 *1, 2012*):

109 (b) Subject to the approval of the Chief Court Administrator, the  
110 Probate Court Administrator shall fix the compensation of special  
111 assignment probate judges appointed pursuant to this section. Such  
112 compensation shall, on the order of the Probate Court Administrator,  
113 be paid from the Probate Court Administration Fund established

114 under section 45a-82. Such compensation, including compensation that  
115 a special assignment probate judge receives as a judge of probate of the  
116 district to which the judge was elected, shall not exceed the  
117 compensation provided for a judge of probate under subdivision (4) of  
118 subsection (a) of section 45a-95a. A special assignment probate judge  
119 shall have such benefits as may inure to him or her as a judge of  
120 probate and shall receive no additional benefits, except compensation  
121 provided under this subsection and retirement benefits calculated in  
122 accordance with sections 45a-34 to 45a-54, inclusive, as amended by  
123 this act.

124 Sec. 5. Subsection (b) of section 45a-43 of the general statutes is  
125 repealed and the following is substituted in lieu thereof (*Effective from*  
126 *passage*):

127 (b) Except as provided in subsection (c) of this section, if any  
128 member who has not exercised his option under subsection (a) of this  
129 section dies after January 1, 1968, and before [his] having elected  
130 retirement or before his retirement income payments begin, but after  
131 [completion of the age and service] satisfying the requirements of  
132 sections 45a-36 to 45a-39, inclusive, as amended by this act, that would  
133 permit him to retire on his own application, and [he] such member is  
134 survived by a spouse, a retirement income shall be paid monthly to his  
135 spouse, commencing at his death and ending upon the death of the  
136 spouse. The amount payable shall be the average of (1) fifty per cent of  
137 the retirement allowance payable to the member for his lifetime if no  
138 payments were to continue after the member's death, and (2) fifty per  
139 cent of the reduced retirement allowance that such member would  
140 have received if he had retired on the date of his death with the  
141 provision that after his death his spouse would receive one-half of the  
142 amount payable to the member.

143 Sec. 6. Section 45a-55 of the general statutes is repealed and the  
144 following is substituted in lieu thereof (*Effective October 1, 2012*):

145 (a) Any claim for a pension [or any other benefit] which may

146 become available in accordance with the provisions of sections 45a-1 to  
147 45a-12, inclusive, 45a-18 to 45a-26, inclusive, 45a-34 to 45a-56,  
148 inclusive, as amended by this act, 45a-62 to 45a-68, inclusive, 45a-74 to  
149 45a-83, inclusive, as amended by this act, 45a-90 to 45a-93, inclusive,  
150 45a-98, 45a-99, 45a-105, 45a-119 to 45a-123, inclusive, 45a-128, 45a-130,  
151 45a-131, 45a-133, 45a-199 and 45a-202, may be submitted in writing to  
152 the commission. Any such claim will be reviewed and decided by the  
153 commission. The claimant shall be advised of the processing status of  
154 [his] the claim upon reasonable request.

155 (b) If any claim is denied, a claimant may request that the decision  
156 be reviewed and reconsidered by the commission. Thereafter, any  
157 contested case shall be heard and decided in accordance with chapter  
158 54.

159 Sec. 7. Section 45a-76 of the general statutes is repealed and the  
160 following is substituted in lieu thereof (*Effective October 1, 2012*):

161 The Probate Court Administrator shall file with the Chief Court  
162 Administrator, on or before the first day of April of each even-  
163 numbered year, a report of the business of the office of the Probate  
164 Court Administrator during the [year] biennium ending on the  
165 [previous thirty-first day of December] preceding June thirtieth,  
166 together with any information [which] that the Chief Court  
167 Administrator may request.

168 Sec. 8. Subsection (d) of section 45a-287 of the 2012 supplement to  
169 the general statutes is repealed and the following is substituted in lieu  
170 thereof (*Effective from passage*):

171 (d) All property of a testator whose will is proved under this section  
172 shall be subject to the laws of this state relating to the taxation of  
173 inheritances and successions, except that such laws shall not be  
174 applied on the basis that the testator was a domiciliary of this state  
175 unless there is a finding that such person was domiciled in this state as  
176 provided in section 45a-309. [Costs of the court of probate under

177 section 45a-105, for proceedings in the settlement of the estate of a  
178 nondomiciliary testator whose will is proved under this section, shall  
179 be determined on the basis of an assumed gross taxable value equal to  
180 the sum of (1) the actual gross taxable estate determined under section  
181 12-349 and (2) the value set forth in the inventory of such estate under  
182 section 45a-341 of all property therein which is not part of the actual  
183 gross taxable estate, excluding any insurance proceeds exempt from  
184 taxation under section 12-342.]

185 Sec. 9. Section 45a-623 of the general statutes is repealed and the  
186 following is substituted in lieu thereof (*Effective January 1, 2013*):

187 [In any proceeding] Before a hearing on the merits in any case under  
188 sections 45a-603 to 45a-622, inclusive, that is contested, the Court of  
189 Probate shall, [upon] on motion of any party other than a party who  
190 made application for the removal of a parent as a guardian, [under  
191 rules adopted by the judges of the Supreme Court] or may, on the  
192 court's own motion or motion of the party who made application for  
193 the removal of a parent as a guardian, transfer the case to the Superior  
194 Court in accordance with rules adopted by the judges of the Supreme  
195 Court. In addition to the provisions of this section, the Court of  
196 Probate may, on the court's own motion or [that] motion of any  
197 interested party, transfer any proceeding under sections 45a-603 to  
198 45a-622, inclusive, to [another judge of probate, which judge shall be  
199 appointed by the Probate Court Administrator from a panel of  
200 qualified probate judges who specialize in children's matters. Such  
201 panel shall be proposed by the Probate Court Administrator and  
202 approved by the executive committee of the Connecticut Probate  
203 Assembly] a regional children's probate court established pursuant to  
204 section 45a-8a, as amended by this act. If the case is transferred and  
205 venue altered, the clerk of the Court of Probate shall transmit to the  
206 clerk of the Superior Court [,] or the regional children's probate court  
207 to which the case was transferred, the original files and papers in the  
208 case.

209 Sec. 10. Subsection (g) of section 45a-715 of the general statutes is

210 repealed and the following is substituted in lieu thereof (*Effective*  
211 *January 1, 2013*):

212 (g) Before a hearing on the merits in any case in which a petition for  
213 termination of parental rights is contested in a court of probate, the  
214 court of probate shall, on the motion of any legal party except the  
215 petitioner, or may on its own motion or that of the petitioner, [under  
216 rules adopted by the judges of the Supreme Court,] transfer the case to  
217 the Superior Court in accordance with rules adopted by the judges of  
218 the Supreme Court. In addition to the provisions of this section, the  
219 probate court may, on the court's own motion or that of any interested  
220 party, transfer any termination of parental rights case to [another judge  
221 of probate, which judge shall be appointed by the Probate Court  
222 Administrator from a panel of qualified probate judges who specialize  
223 in children's matters. Such panel shall be proposed by the Probate  
224 Court Administrator and approved by the executive committee of the  
225 Connecticut Probate Assembly] a regional children's probate court  
226 established pursuant to section 45a-8a, as amended by this act. If the  
227 case is transferred, the clerk of the Court of Probate shall transmit to  
228 the clerk of the Superior Court [,] or the regional children's probate  
229 court to which the case was transferred, the original files and papers in  
230 the case. The Superior Court or the regional children's probate court to  
231 which the case was transferred, upon hearing after notice as provided  
232 in sections 45a-716 and 45a-717, may grant the petition as provided in  
233 section 45a-717.

234 Sec. 11. (NEW) (*Effective October 1, 2012*) (a) A matter being heard at  
235 a regional children's probate court may be assigned to a probate court  
236 officer to perform any of the following functions:

237 (1) Conduct conferences with interested parties, attorneys for  
238 interested parties, representatives from the Department of Children  
239 and Families and social service providers, when appropriate;

240 (2) Facilitate the development of the family's plan for the care of the  
241 minor;



- 242 (3) Facilitate the development of a visitation plan;
- 243 (4) Coordinate with the Department of Children and Families to  
244 facilitate a thorough review of the matter being heard;
- 245 (5) Assess whether the family's plan for the care of the minor, if any,  
246 is in the minor's best interests;
- 247 (6) Assist the family in accessing community services; and
- 248 (7) Conduct follow-up regarding orders of the court.
- 249 (b) The probate court officer may file with the court a report that  
250 may include:
- 251 (1) An assessment of the minor's and family's history;
- 252 (2) An assessment of the parent's and any proposed guardian's  
253 involvement with the minor;
- 254 (3) Information regarding the physical, social and emotional status  
255 of the interested parties;
- 256 (4) An assessment of the family's plan for the care of the minor; and
- 257 (5) Any other information or data that is relevant to determine if the  
258 proposed court action is in the best interests of the minor.
- 259 (c) Any report filed by a probate court officer pursuant to subsection  
260 (b) of this section shall be admissible in evidence. If a party or an  
261 attorney for a party notifies the court prior to a scheduled hearing that  
262 such party or attorney wishes to examine the probate court officer who  
263 filed the report, the court shall order such probate court officer to  
264 appear at the hearing.

265 Sec. 12. Section 45a-316 of the 2012 supplement to the general  
266 statutes is repealed and the following is substituted in lieu thereof  
267 (*Effective January 1, 2013*):

268        [(a)] Whenever, upon the application of a creditor or other person  
269 interested in the estate of a deceased person, it is found by the court of  
270 probate having jurisdiction of the estate that the granting of  
271 administration on the estate or the probating of the will of the  
272 deceased will be delayed, or that it is necessary for the protection of  
273 the estate of the deceased, the court may, with or without notice,  
274 appoint a temporary administrator to hold and preserve the estate  
275 until the appointment of an administrator or the probating of the will.  
276 The court shall require from such administrator a probate bond. If the  
277 court deems it more expedient, it may order any state marshal or  
278 constable to take possession of the estate until the appointment of an  
279 administrator or executor.

280        [(b)] Any person interested in the estate of a deceased person and  
281 having a need to obtain financial or medical information concerning  
282 the deceased person for the limited purpose of investigating a  
283 potential cause of action of the estate, surviving spouse, children, heirs  
284 or other dependents of the deceased person, or a potential claim for  
285 benefits under a workers' compensation act, an insurance policy or  
286 other benefits in favor of the estate, surviving spouse, children, heirs or  
287 other dependents of the deceased person, may apply to the court of  
288 probate having jurisdiction of the estate of the deceased person for the  
289 appointment of a temporary administrator. The court of probate may  
290 grant the application and appoint a temporary administrator for such  
291 limited purpose if the court finds that such appointment would be in  
292 the interests of the estate or in the interests of the surviving spouse,  
293 children, heirs or other dependents of the deceased person. If the court  
294 appoints a temporary administrator under this subsection, the court  
295 may require a probate bond or may waive such bond requirement. The  
296 court shall limit the authority of the temporary administrator to  
297 disclose the information obtained by the temporary administrator, as  
298 appropriate, and may issue an appropriate order for the disclosure of  
299 such information. Any order appointing a temporary administrator  
300 under this subsection, and any certificate of the appointment of a  
301 fiduciary issued by the clerk of the court, shall indicate (1) the duration

302 of the temporary administrator's appointment, and (2) that such  
303 temporary administrator has no authority over the assets of the  
304 deceased person.]

305 Sec. 13. Subsection (a) of section 45a-317 of the 2012 supplement to  
306 the general statutes is repealed and the following is substituted in lieu  
307 thereof (*Effective January 1, 2013*):

308 (a) The temporary administrator or officer appointed pursuant to  
309 the provisions of [subsection (a) of] section 45a-316, as amended by  
310 this act, shall take immediate possession of all the real and personal  
311 property of the deceased, collect the rents, debts and income thereof  
312 and do any additional acts necessary for the preservation of the estate  
313 that the court authorizes.

314 Sec. 14. (NEW) (*Effective January 1, 2013*) Any person interested in  
315 the estate of a deceased person and having a need to obtain financial or  
316 medical information concerning the deceased person for the limited  
317 purpose of investigating a potential cause of action of the estate,  
318 surviving spouse, children, heirs or other dependents of the deceased  
319 person, or a potential claim for benefits under a workers'  
320 compensation act, an insurance policy or other benefits in favor of the  
321 estate, surviving spouse, children, heirs or other dependents of the  
322 deceased person, may apply to the court of probate having jurisdiction  
323 of the estate of the deceased person for the appointment of an estate  
324 examiner. The court of probate may grant the application and appoint  
325 an estate examiner for such limited purpose if the court finds that such  
326 appointment would be in the interests of the estate or in the interests of  
327 the surviving spouse, children, heirs or other dependents of the  
328 deceased person. If the court appoints an estate examiner under this  
329 section, the court may require a probate bond or may waive such bond  
330 requirement. The court shall limit the authority of the estate examiner  
331 to disclose the information obtained by the estate examiner, as  
332 appropriate, and may issue an appropriate order for the disclosure of  
333 such information. Any order appointing an estate examiner under this  
334 section, and any certificate of the appointment of a fiduciary issued by

335 the clerk of the court, shall indicate (1) the duration of the estate  
336 examiner's appointment, and (2) that such estate examiner has no  
337 authority over the assets of the deceased person.

338 Sec. 15. Section 45a-681 of the general statutes is repealed and the  
339 following is substituted in lieu thereof (*Effective October 1, 2012*):

340 (a) The court shall review each guardianship of the person with  
341 intellectual disability or limited guardianship of the person with  
342 intellectual disability at least every three years and shall either  
343 continue, modify or terminate the order for guardianship. Pursuant to  
344 such review:

345 (1) The court shall receive and review written evidence as to the  
346 condition of the ward. Except as provided in subdivision (2) of this  
347 subsection, the guardian [, the attorney for the ward] and a  
348 Department of Developmental Services professional or, if requested by  
349 the ward or by the court, an assessment team appointed by the  
350 Commissioner of Developmental Services or [his] the commissioner's  
351 designee shall each submit a written report to the court not later than  
352 forty-five days after the court's request for such report.

353 (2) In the case of a ward who is functioning adaptively and  
354 intellectually within the severe or profound range of intellectual  
355 disability, as determined by the Department of Developmental  
356 Services, the court shall receive and review written reports as to the  
357 condition of the ward only from the guardian, [and the attorney for the  
358 ward, provided] except that the court may require a Department of  
359 Developmental Services professional or assessment team to submit a  
360 written report as to the condition of such ward.

361 (3) The Department of Developmental Services professional or  
362 assessment team shall personally observe or examine the ward within  
363 the forty-five-day period preceding the date it submits any report  
364 under subdivision (4) of this subsection.

365 (4) Each written report shall be submitted to the court not later than

366 forty-five days after the court's request for such report. On receipt of a  
367 written report from the guardian or a Department of Developmental  
368 Services professional or assessment team, the court shall provide a  
369 copy of the report to the attorney for the ward.

370 (5) Not later than thirty days after the attorney for the ward receives  
371 a copy of a report pursuant to subdivision (4) of this subsection, the  
372 attorney for the ward shall (A) meet with the ward concerning the  
373 report, and (B) provide written notice to the court (i) that the attorney  
374 for the ward has met with the ward, and (ii) indicating whether a  
375 hearing is requested. Nothing in this section shall prevent the ward or  
376 the attorney for the ward from requesting a hearing at any other time  
377 as permitted by law.

378 [(3)] (6) If the ward is unable to request or obtain an attorney, the  
379 court shall appoint an attorney for the ward. If the ward is unable to  
380 pay for the services of the attorney, the reasonable compensation of  
381 such attorney shall be established by, and paid from funds  
382 appropriated to, the Judicial Department; however, if funds have not  
383 been included in the budget of the Judicial Department for such  
384 purposes, such compensation shall be established by the Probate Court  
385 Administrator and paid from the Probate Court Administration Fund.  
386 [The Department of Developmental Services professional or  
387 assessment team shall personally observe or examine the ward within  
388 the forty-five-day period preceding the date of submission of its  
389 report.]

390 (b) If the court determines, after receipt of the reports from [the  
391 attorney for the ward,] the Department of Developmental Services  
392 professional or assessment team and the guardian, and notice from the  
393 attorney for the ward, that there has been no change in the condition of  
394 the ward since the last preceding review by the court, a hearing on the  
395 condition of the ward shall not be required, but the court, in its  
396 discretion, may hold such hearing. If the attorney for the ward, the  
397 Department of Developmental Services professional or assessment  
398 team or the guardian requests a hearing, the court shall hold a hearing

399 within thirty days of such request. No order expanding or reducing the  
400 powers and responsibilities of a guardian shall be issued unless such  
401 hearing is held.

402 Sec. 16. Subsection (d) of section 52-60 of the general statutes is  
403 repealed and the following is substituted in lieu thereof (*Effective*  
404 *January 1, 2013*):

405 (d) Service upon the judge of probate as attorney for the nonresident  
406 fiduciary shall be sufficient service upon the nonresident fiduciary,  
407 and shall be made by leaving an attested copy of the process with such  
408 judge of probate [ , who] or with the probate court that appointed the  
409 nonresident fiduciary, and such judge or court shall forthwith give  
410 notice thereof to such executor, administrator, conservator, guardian  
411 or trustee.

412 Sec. 17. Section 52-61 of the general statutes is repealed and the  
413 following is substituted in lieu thereof (*Effective January 1, 2013*):

414 Process in civil actions against a nonresident executor,  
415 administrator, conservator, guardian or trustee, in his representative  
416 capacity, or in his individual capacity in any action founded upon or  
417 arising from his acts or omissions as such executor, administrator,  
418 conservator, guardian or trustee, may be served by leaving a true and  
419 attested copy thereof with the judge of probate [in the district where  
420 the estate is in settlement;] or probate court that appointed the  
421 nonresident executor, administrator, conservator, guardian or trustee,  
422 and such judge or court shall forthwith give notice thereof to such  
423 executor, administrator, conservator, guardian or trustee.

424 Sec. 18. Section 1-18 of the general statutes is repealed and the  
425 following is substituted in lieu thereof (*Effective October 1, 2012*):

426 The original records, papers or documents [so] reproduced  
427 pursuant to this chapter may be disposed of in such manner as [may  
428 meet the approval of] approved by (1) the head of the political  
429 subdivision in charge thereof, [or the Probate Court Administrator in

430 the case of probate records, with the approval of] and (2) the Public  
431 Records Administrator. All other original records, papers or  
432 documents so reproduced may be disposed of at the option of the  
433 keeper thereof.

434 Sec. 19. Section 11-8 of the general statutes is repealed and the  
435 following is substituted in lieu thereof (*Effective October 1, 2012*):

436 (a) Under the direction of the State Library Board, the State  
437 Librarian shall be responsible for developing and directing a records  
438 management program for the books, records, papers and documents of  
439 all state agencies within the executive department, and the books,  
440 records, papers and documents of the several towns, cities, boroughs,  
441 districts and other political subdivisions of the state, [including the  
442 probate districts,] pursuant to the provisions of section 11-8a, as  
443 amended by this act. The State Librarian shall also supervise the  
444 operation of state records centers; provide photoduplication and  
445 microfilming service and document repair and restoration service for  
446 state and local records; approve security storage facilities, within or  
447 without the state, or establish and operate such facilities within the  
448 state, for the safe storage of original public records or security copies  
449 thereof; and carry out a program for the identification and  
450 preservation of essential records of the state and of its political  
451 subdivisions. [He] The State Librarian shall, with the approval of the  
452 State Library Board, and in accordance with the provisions of chapter  
453 54, adopt regulations for the creation and preservation of the records  
454 of the several towns, cities, boroughs and districts [, including probate  
455 districts,] of the state. Such regulations shall establish the physical  
456 characteristics required for papers, inks, typewriter ribbons, carbon  
457 papers, loose-leaf binders, photographic films or other supplies and  
458 materials, including photographic or other processes for recording  
459 documents, used in the creation of public records; and the design,  
460 construction and degree of fire resistance required for safes, cabinets,  
461 vaults and file rooms in which public records are housed. [He] The  
462 State Librarian shall ascertain from time to time whether the

463 provisions of the general statutes and of such regulations relating to  
464 the recording, filing, indexing, maintenance and disposition of such  
465 records are being carried out. [He] The State Librarian may order any  
466 person having the care and custody of such records to comply with  
467 such statutes or with such regulations. [He] The State Librarian shall  
468 send a copy of such order to the chief administrative officer of the  
469 town, city, borough or district to which the records relate. The order  
470 shall specify the time within which [it] the order shall be complied  
471 with. [; and, in] In setting such time for compliance, [he] the State  
472 Librarian shall take into consideration the availability of facilities or  
473 equipment or the need for the construction or purchase thereof. The  
474 State Librarian may cause the enforcement of any such order by  
475 application to the Superior Court, or to any judge thereof if said court  
476 is not then sitting, to issue an appropriate decree or process, which  
477 application shall be brought and the proceedings thereon conducted  
478 by the Attorney General.

479 (b) The State Librarian shall, subject to the provisions of chapter 67,  
480 appoint an assistant who shall be the Public Records Administrator.  
481 All powers, functions and duties assigned to the Examiner of Public  
482 Records are hereby transferred to the Public Records Administrator.

483 Sec. 20. Subsections (a) and (b) of section 11-8a of the general  
484 statutes are repealed and the following is substituted in lieu thereof  
485 (*Effective October 1, 2012*):

486 (a) The State Librarian shall, in the performance of his duties  
487 pursuant to section 11-8, as amended by this act, consult with the  
488 Attorney General, [the Probate Court Administrator and] the chief  
489 executive officers of the Connecticut Town Clerks Association and the  
490 Municipal Finance Officers Association of Connecticut, or their duly  
491 appointed representatives.

492 (b) The State Librarian may require each such state agency, or each  
493 political subdivision of the state, [including each probate district,] to  
494 inventory all books, records, papers and documents under its



495 jurisdiction and to submit to [him] the State Librarian for approval  
496 retention schedules for all such books, records, papers and documents,  
497 or [he] the State Librarian may undertake such inventories and  
498 establish such retention schedules, based on the administrative need of  
499 retaining such books, records, papers and documents within agency  
500 offices or in suitable records centers. Each agency head, and each local  
501 official concerned, shall notify the State Librarian of any changes in the  
502 administrative requirements for the retention of any book, record,  
503 paper or document subsequent to the approval of retention schedules  
504 by the State Librarian.

505 Sec. 21. Subsection (a) of section 7-24 of the general statutes is  
506 repealed and the following is substituted in lieu thereof (*Effective*  
507 *October 1, 2012*):

508 (a) Each town clerk who is charged with the custody of any public  
509 record shall provide suitable books, files or systems, acceptable to the  
510 Public Records Administrator, for the keeping of such records and  
511 may purchase such stationery and other office supplies as are  
512 necessary for the proper maintenance of the town clerk's office. Such  
513 books, files or systems, and such stationery and supplies shall be paid  
514 for by the town, and the selectmen of the town, on presentation of the  
515 bill for such books, files, systems, stationary and supplies properly  
516 certified to by the town clerk, shall draw their order on the treasurer in  
517 payment for the same. Each person who has the custody of any public  
518 record books of any town, city [,] or borough [or probate district] shall,  
519 at the expense of such town, city [,] or borough, [or probate district,]  
520 cause them to be properly and substantially bound. Such person shall  
521 have any such records which have been left incomplete made up and  
522 completed from the usual files and memoranda, so far as practicable.  
523 Such person shall cause fair and legible copies to be seasonably made  
524 of any records which are worn, mutilated or becoming illegible, and  
525 shall cause the originals to be repaired, rebound or renovated, or such  
526 person may cause any such records to be placed in the custody of the  
527 Public Records Administrator, who may have them repaired,

renovated or rebound at the expense of the town, city [.] or borough [or probate district] to which they belong. Any custodian of public records who so causes such records to be completed or copied shall attest [them] such records and shall certify, under the seal of such custodian's office, that [they] such records have been made from such files and memoranda or are copies of the original records. Such records and all copies of records made and certified to as provided in this section and on file in the office of the legal custodian of such records shall have the force of the original records. All work done under the authority of this section shall be paid for by the town, city [.] or borough [or probate district] responsible for the safekeeping of such records, but in no case shall expenditures exceeding three hundred dollars be made for repairs or copying records in any one year in any town, [or any probate district comprising one town only, unless the same are authorized by a vote of the town, or in any probate district comprising two or more towns, unless the same are authorized by the first selectmen of all the towns included in such district] city or borough.

Sec. 22. Section 45a-10 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

(a) Each judge of probate shall keep the records and files of the court of probate for the district in a fire-resistant safe or vault, in office space provided for that purpose by the town or towns comprising the district in which [he is] the judge serves, except when the records and files are in actual use for the purpose of examination, recording, copying [.] or entry, or when the records and files, after being recorded or copied, are placed in storage as records and files not in current use. If such safe or vault or office space is not provided for [that] such purpose, the chief administrative officers of the town or towns comprising the district shall provide the safe or vault or office space. [at the expense of the town or towns] The expense of providing such safe or vault or office space shall be paid by the town or towns comprising the district in such proportion as the towns may determine by agreement, or, in the

561 absence of such agreement, in proportion to their grand lists last  
562 perfected.

563 (b) If the proper authorities in any probate district fail to provide  
564 such safe or vault or office space, the Public Records Administrator  
565 may order the proper authorities in the probate district to provide such  
566 safe or vault or office space. If such provision is not made within a  
567 reasonable time thereafter, the Public Records Administrator shall so  
568 advise the State Librarian, who may seek enforcement of compliance  
569 with the order. [as provided in section 11-8.] The State Librarian shall  
570 send a copy of such order to the chief administrative officers of the  
571 town or towns comprising the district, the Probate Court  
572 Administrator and the judge of the probate district. The order shall  
573 specify the time within which the order shall be complied with. In  
574 setting such time for compliance, the State Librarian shall take into  
575 consideration the availability of facilities or equipment or the need for  
576 the construction or purchase thereof. The State Librarian may cause the  
577 enforcement of any such order by application to the Superior Court, or  
578 to any judge thereof if said court is not then sitting, to issue an  
579 appropriate decree or process, which application shall be brought and  
580 the proceedings thereon conducted by the Attorney General.

581 (c) All fire-resistant rooms or vaults and all safes for the safekeeping  
582 of any such public records shall conform to regulations adopted by the  
583 Public Records Administrator, in accordance with chapter 54, and shall  
584 be furnished with fittings of a noncombustible nature.

585 Sec. 23. Section 45a-77 of the general statutes is repealed and the  
586 following is substituted in lieu thereof (*Effective October 1, 2012*):

587 (a) The Probate Court Administrator may attend to any matters that  
588 the Probate Court Administrator considers necessary for the efficient  
589 operation of the courts of probate and for the expeditious dispatch and  
590 proper conduct of the business of such courts. The Probate Court  
591 Administrator shall administer and enforce the provisions of this  
592 chapter and the regulations issued under this section, and shall ensure

593 performance of the duties of judges of probate and clerks of the courts  
594 of probate in accordance with the provisions of this chapter and such  
595 regulations. The Probate Court Administrator may make  
596 recommendations to the General Assembly for legislation for the  
597 improvement of the administration of the courts of probate.

598 (b) The Probate Court Administrator may issue and shall enforce  
599 regulations, provided such regulations are approved in accordance  
600 with subsection [(c)] (d) of this section. Such regulations shall be  
601 binding on all courts of probate and shall concern the following  
602 matters for the administration of the probate court system: (1)  
603 Auditing, accounting, statistical, billing, recording, filing, [record  
604 maintenance] records management and other court procedures; (2)  
605 reassignment and transfer of cases; (3) training of court personnel and  
606 continuing education programs for judges of probate, probate  
607 magistrates, attorney probate referees and court personnel; (4)  
608 remitting funds received by the courts of probate under section 45a-7a  
609 to the Probate Court Administration Fund; (5) administering the  
610 compensation plan established under section 45a-85 for employees of  
611 the courts of probate; (6) establishing criteria for staffing levels for the  
612 courts of probate for the purposes of subsection (b) of section 45a-85;  
613 (7) establishing criteria for the development and approval of  
614 miscellaneous office budgets for the courts of probate for the purposes  
615 of subsection (b) of section 45a-85; (8) expending funds from the  
616 Probate Court Administration Fund for the purposes set forth in the  
617 regulations adopted pursuant to subdivisions (4) to (7), inclusive, of  
618 this subsection; and (9) the enforcement of the provisions of this  
619 chapter and the regulations issued pursuant to this section, including,  
620 but not limited to, recovery of expenses associated with any such  
621 enforcement, as permitted by such regulations.

622 (c) The Probate Court Administrator may, in consultation with the  
623 Public Records Administrator, issue and enforce regulations under  
624 subsection (b) of this section, or establish policies or retention  
625 schedules, for the management, preservation and disposition of

626 judicial records, papers and documents and administrative records  
627 maintained by the courts of probate.

628     ~~[(c)]~~ (d) (1) Either the Probate Court Administrator or the executive  
629 committee of the Connecticut Probate Assembly may propose  
630 regulations authorized under subsection (b) of this section. Any  
631 regulation proposed by the Probate Court Administrator shall be  
632 submitted to the executive committee of the Connecticut Probate  
633 Assembly for approval. Any regulation proposed by the executive  
634 committee of the Connecticut Probate Assembly shall be submitted to  
635 the Probate Court Administrator for approval. If either the Probate  
636 Court Administrator or the executive committee of the Connecticut  
637 Probate Assembly fails to approve a proposed regulation, such  
638 proposed regulation may be submitted to a panel of three Superior  
639 Court judges appointed by the Chief Justice of the Supreme Court. The  
640 panel of judges, after consideration of the positions of the Probate  
641 Court Administrator and the executive committee of the Connecticut  
642 Probate Assembly, shall either approve the proposed regulation or  
643 reject the proposed regulation.

644     (2) Any proposed new regulation and any change in an existing  
645 regulation issued under this section on or after July 1, 2007, shall be  
646 submitted to the joint standing committee of the General Assembly  
647 having cognizance of matters relating to the judiciary for approval or  
648 disapproval in its entirety, provided, if more than one proposed new  
649 regulation or change in an existing regulation is submitted at the same  
650 time, said committee shall approve or disapprove all such proposed  
651 new regulations and changes in existing regulations together in their  
652 entirety. Unless disapproved by said committee within ninety days of  
653 the date of such submittal, each such regulation shall become effective  
654 on the date specified in such regulation, but not in any event until  
655 ninety days after promulgation.

656     ~~[(d)]~~ (e) The Probate Court Administrator shall regularly review the  
657 auditing, accounting, statistical, billing, recording, filing, [record  
658 maintenance] records management, administrative and other

659 procedures of the courts of probate.

660 [(e)] (f) The Probate Court Administrator shall, personally, or by an  
 661 authorized designee of the Probate Court Administrator who has been  
 662 admitted to the practice of law in this state for at least five years, visit  
 663 each court of probate at least once during each two-year period to  
 664 examine the records and files of such court in the presence of the judge  
 665 of the court or the judge's authorized designee. The Probate Court  
 666 Administrator shall make any additional inquiries that the Probate  
 667 Court Administrator considers appropriate to ascertain whether the  
 668 business of the court, including the charging of costs and payments to  
 669 the State Treasurer, has been conducted in accordance with law, rules  
 670 of the courts of probate, regulations issued under this section and the  
 671 canons of judicial ethics, and to obtain information concerning the  
 672 business of the courts of probate which is necessary for the Probate  
 673 Court Administrator to perform properly the duties of the office.

674 Sec. 24. Subsection (b) of section 45a-8b of the general statutes is  
 675 repealed and the following is substituted in lieu thereof (*Effective*  
 676 *October 1, 2012*):

677 (b) The Probate Court Administrator shall adopt regulations, in  
 678 accordance with subsection [(c)] (d) of section 45a-77, as amended by  
 679 this act, to implement the provisions of this section. The regulations  
 680 shall establish the criteria for (1) becoming a guardian or an assisted  
 681 care provider under the program, (2) the awarding of grants pursuant  
 682 to subsection (a) of this section, (3) the provision of services pursuant  
 683 to subsection (a) of this section, and (4) obtaining and paying for  
 684 studies from private child-placing agencies in connection with  
 685 guardianship proceedings.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2012	45a-34
Sec. 2	July 1, 2012	45a-45(a)
Sec. 3	July 1, 2012	45a-8a(f)(1)

Sec. 4	<i>July 1, 2012</i>	45a-79b(b)
Sec. 5	<i>from passage</i>	45a-43(b)
Sec. 6	<i>October 1, 2012</i>	45a-55
Sec. 7	<i>October 1, 2012</i>	45a-76
Sec. 8	<i>from passage</i>	45a-287(d)
Sec. 9	<i>January 1, 2013</i>	45a-623
Sec. 10	<i>January 1, 2013</i>	45a-715(g)
Sec. 11	<i>October 1, 2012</i>	New section
Sec. 12	<i>January 1, 2013</i>	45a-316
Sec. 13	<i>January 1, 2013</i>	45a-317(a)
Sec. 14	<i>January 1, 2013</i>	New section
Sec. 15	<i>October 1, 2012</i>	45a-681
Sec. 16	<i>January 1, 2013</i>	52-60(d)
Sec. 17	<i>January 1, 2013</i>	52-61
Sec. 18	<i>October 1, 2012</i>	1-18
Sec. 19	<i>October 1, 2012</i>	11-8
Sec. 20	<i>October 1, 2012</i>	11-8a(a) and (b)
Sec. 21	<i>October 1, 2012</i>	7-24(a)
Sec. 22	<i>October 1, 2012</i>	45a-10
Sec. 23	<i>October 1, 2012</i>	45a-77
Sec. 24	<i>October 1, 2012</i>	45a-8b(b)

**JUD**      *Joint Favorable Subst.*